

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/512,313

**REMARKS**

Claims 1, 4-7 and 13 and 15 are all the claims pending in the application. Applicants cancel claims 2, 3, 8-12 and 14, and add new claim 15 to further define the invention as described in detail below.

The Examiner has acknowledged the drawings filed on May 24, 2000. However, Applicants note that the Formal Drawings were filed on April 10, 2000.

Additionally, the Examiner has indicated that the certified copy of the Priority Document was received in the parent application (09/512,313) on February 24, 2000. However, there is no parent application for the present application, and the present application is 09/512,313.

Additionally, the certified copy of the Priority Document JP 11-111757 was filed on April 10, 2000. The Examiner is respectfully requested to clarify this issue.

Claims 1, 4, 8 and 10 are rejected under 35 U.S.C. § 112, second paragraph. Applicants amend the claims to remove any ambiguities.

Claims 1-3, 7, 13, 10-12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mochizuki et al. (6,097,690), and further in view of newly cited Malin et al. (5,377,001).

**Analysis**

Claims 1 and 4 are the only remaining claims in independent form; therefore, the following rejection is initially directed to these independent claims.

Claim 1 is directed to an optical pickup apparatus that includes a laser light emitting device, a deflector, a lens driver, and a frame member. According to claim 1, the apparatus is operable to adjust a deflection angle of the deflector so that a first direction in which a diverging

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/512,313

angle, in a direction perpendicular to the optical axis of the laser light becomes the narrowest, is aligned with a radial direction of the optical recording disk. With this structure, the distance between the deflector and the laser light emitting device is adjusted so that an offset between a center of an intensity distribution of the laser light and an optical axis of the lens is eliminated.

The deflector is illustrated in Figs. 4A-C, for example, and discussed at pages 11-13 of the specification.

Mochizuki fails to teach or suggest this feature. There is no teaching or suggestion of the claimed deflector; rather, the deflectors 30, 34 are each positioned in place with no mention of being adjustable.

Malin is directed to an apparatus for examination and inspection of surfaces for detecting defects; this reference is not concerned with movement of a reflector for an optical pickup as in Mochizuki. Although the carrier plate 62 moves, this adjustment is provided for achieving asymmetry to measure surface defects. There is no teaching or suggestion in the combination of references that it would have been beneficial to adjust the reflector in Mochizuki.

In view of the foregoing, claim 1 is patentable.

Claim 4 is patentable for similar reasons to claim 1. In particular, a deflector is provided for adjusting a deflection angle and a distance between the deflector and the laser light emitting device. Mochizuki is silent with regard to this feature. Moreover, Malin fails to overcome this deficiency. First, Malin fails to teach or suggest a method step of adjusting the distance between the deflector and light emitting device, and moreover, even if it did disclose this feature, one would not have been motivated to provide such a step in Mochizuki since it is concerned with a different kind of device.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 09/512,313

In view of the foregoing, claim 4 is patentable.

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as the independent claims, by virtue of their dependency therefrom.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

*Raj S. Suri Reg. No.  
43,078 Inv.*

---

Ellen R. Smith  
Registration No. 43,042

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: February 21, 2003

Attorney Docket No.: Q57991